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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,921	01/25/2007	Hideki Fujimatsu	046124-5442	1699
55694	7590	07/03/2008	EXAMINER	
DRINKER BIDDLE & REATH (DC)			LUU, THANH X	
1500 K STREET, N.W.			ART UNIT	PAPER NUMBER
SUITE 1100			2878	
WASHINGTON, DC 20005-1209				

  

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,921	FUJIMATSU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh X. Luu	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 June 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 2 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/14/08; 05/19/08.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

This Office Action is in response to amendments and remarks filed June 2, 2008.

Claims 1 and 2 are currently pending.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai et al. (JP 05-325880) in view of Kyushima (U.S. Patent 5,744,908).

3. Regarding claim 1, Sawai et al. disclose (see abstract and Figs.) a light detection tube on which a plate (5), on which a photoelectric face (6) is formed, as a photoreceiving face plate is attached to a light entering window of a vacuum vessel (1), wherein a peripheral part of the plate is airtightly thermally crimped (thermocompression) to a window peripheral part made of metal or ceramics, surrounding the light entering window via a seal ring (4) made of aluminum. Sawai et al. disclose the plate is made quartz, rather than sapphire as claimed. Kyushima teaches (see col. 3, lines 30-35) in a light tube, the plate being made of either quartz or sapphire. Thus, Kyushima recognizes that quartz and sapphire are interchangeable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sapphire plate in the apparatus of Sawai et al. in view of Kyushima to obtain UV sensitivity as known. Sawai et al. and Kyushima further do not disclose a single crystal sapphire. However, single crystal sapphire is notoriously well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a single crystal sapphire in the apparatus of Sawai et al. in view of Kyushima to obtain a more resilient

device as known.

4. Regarding claim 2, Sawai et al. in view of Kyushima disclose the claimed invention as set forth above. Sawai et al. and Kyushima do not disclose the thickness of the sapphire plate. However, such plates are typically in the mm range. Furthermore, choosing a particular thickness of the sapphire plate would require only routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose a thickness between 0.5 and 1 mm in the apparatus of Sawai et al. in view of Kyushima to obtain a desired sensitivity in detection.

***Response to Arguments***

5. Applicant's arguments filed June 2, 2008 have been fully considered but they are not persuasive.

6. Applicant asserts that Kyushima does not disclose an aluminum ring. Examiner has rejected the claims over Sawai et al. in view of Kyushima. As such, Sawai et al. has the claimed aluminum ring seal. Examiner reminds Applicant that the references should be viewed together and in combination not in isolation.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh X Luu/  
Primary Examiner, Art Unit 2878